

UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

MEMORANDUM

Background

Thomas Appleyard, an inmate confined in the State Correctional Institution (“SCI-Houtzdale”), Houtzdale, Pennsylvania, filed the above-captioned civil rights complaint pursuant to 42 U.S.C. § 1983. The named Defendants are eight current, and former, employees of SCI-Houtzdale.

Plaintiff's complaint centers around a disagreement as to the diet restriction SCI-Houtzdale believes is appropriate for Plaintiff and the diet restriction Plaintiff believes he should be following. (Doc. 1, complaint). For relief, Plaintiff seeks compensatory damages as to be "returned to mech-soft diet/no seafood nor soy based alternative protein diet." *Id.*

Discussion

Venue for actions brought under § 1983 is governed by 28 U.S.C. § 1333(b).

Section 1391(b) provides that venue is proper in: (1) a judicial district where any defendant resides, if all defendants reside in the same state, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought.

Since all of the named Defendants are located in Clearfield County and the incidents complained of emanate from Clearfield County, which is located in the Western District of Pennsylvania, venue is proper in the Western District, not in this one; and the action will be transferred.

When venue is improper, as in this case, a court may transfer the case to the district court "in which it could have been brought." 28 U.S.C. § 1406(a). Therefore, in the interests of justice, this case will be transferred to the Western District of Pennsylvania.

A separate Order will be issued.

Dated: October 22, 2014



United States District Judge